



General Assembly

February Session, 2008

***Raised Bill No. 5915***

LCO No. 2849

\*02849\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING PERSISTENT DANGEROUS FELONY  
OFFENDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 53a-40 of the general statutes, as  
2 amended by section 7 of public act 08-1 of the January special session,  
3 is repealed and the following is substituted in lieu thereof (*Effective July*  
4 *1, 2008*):

5 (h) When any person has been found to be a persistent dangerous  
6 felony offender, the court, in lieu of imposing the sentence of  
7 imprisonment authorized by section 53a-35 for the crime of which such  
8 person presently stands convicted, or authorized by section 53a-35a if  
9 the crime of which such person presently stands convicted was  
10 committed on or after July 1, 1981, shall sentence such person to a term  
11 of imprisonment of not more than forty years and, if such person has,  
12 at separate times prior to the commission of the present crime, been  
13 twice convicted of and imprisoned for any of the crimes enumerated in  
14 [subparagraph (B) of subdivision (1) of] subsection (a) of this section,  
15 sentence such person to [a term of imprisonment of not more than] life  
16 imprisonment without the possibility of release.

17       Sec. 2. Section 53a-40 of the general statutes, as amended by sections  
18       6 and 7 of public act 08-1 of the January special session, is amended by  
19       adding subsection (n) as follows (*Effective July 1, 2008*):

20       (NEW) (n) Whenever a person is eligible to be charged as a  
21       persistent dangerous felony offender under subsection (a) of this  
22       section and has, at separate times prior to the commission of the  
23       present crime, been twice convicted of and imprisoned for any of the  
24       crimes enumerated in said subsection, the prosecuting authority shall  
25       charge such person as a persistent dangerous felony offender unless  
26       the prosecuting authority states in open court the reason for not  
27       charging such person as a persistent dangerous felony offender.

28       Sec. 3. Section 53a-35b of the general statutes is repealed and the  
29       following is substituted in lieu thereof (*Effective July 1, 2008*):

30       A sentence of imprisonment for life shall mean a definite sentence of  
31       sixty years, unless the sentence is life imprisonment without the  
32       possibility of release, imposed pursuant to subsection (h) of section  
33       53a-40, as amended by this act, or subsection (g) of section 53a-46a, in  
34       which case the sentence shall be imprisonment for the remainder of the  
35       defendant's natural life.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	53a-40(h)
Sec. 2	<i>July 1, 2008</i>	53a-40
Sec. 3	<i>July 1, 2008</i>	53a-35b

***Statement of Purpose:***

To protect the public by requiring that persons who have been convicted three times of violent felonies serve life sentences.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*